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ACTS AND LAWS.

Passed by the General Assembly of the Representatives of the Freemen of the State of Vermont, at their Session at Manchester, October 1779.

An Act regulating the Choice of Field Officers.

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont in General Assembly met, and by the Authority of the same, That whenever any Regiment shall be destitute of a Field Officer or Officers, the Captain-General, or in his Absence the Brigadier-General, shall issue his Orders to the first Officer in command in said Regiment, to order the respective Companies in the said Regiment, to meet at the places where such Companies usually meet in their respective Towns, and give in their Votes for such Field Officer or Officers as they may be directed to as aforesaid; which Votes shall be carried by the commanding Officer of each Company, or some Person, by him substituted, to a Place appointed by the Captain-General or Brigadier-General, and there sorted and counted by a Committee appointed by the Persons who shall carry the Votes.

And the Chairman of said Committee shall make Declaration of the Person or Persons that shall be found to have a Majority of the Votes for any of said Offices, and shall make Return to his Excellency the Governor in order to their being commissioned. And in case there should be no Choice for any Officer or Officers that shall be voted for as aforesaid, he shall make Return thereof to the Captain-General or Brigadier-General, so that Orders may be issued for another Choice as aforesaid.

Captain General or Brigadier General, to issue Orders for to choose Field Officers.

Votes to be carried to a place appointed by the Captain General, and there sorted and counted.

The Chairman to make Declaration, and return to the Gov.

If no choice to make return, that Orders may be issued as aforesaid.

An Act directing and regulating the Choice of Judges of the Superior Court.

WHEREAS no particular Directions are given in the Constitution for regulating the Choice of Judges of the Superior Court; in consequence of which it is necessary that some proper Mode be provided by the General Assembly. Therefore,

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont in General Assembly met, and by the Authority of the same, That in future the Judges of the Superior Court shall be chosen in October annually, by the Governor, Council and House of Representatives by their joint Ballot.

Preamble.

To be chosen by the Governor Council and Representatives in October.

An Act appointing the Time and Place of holding the Superior Court.

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That the Time and Place for holding the Superior Court for the Year ensuing within this State shall be as follows, viz. At Bennington, in the County of Bennington, on the third Tuesday of November.

Sup. Courts to be held at Bennington, Westminster, Timbouth & Thetford.

Stating Fees. Brands for Horses. A sixth Regiment.

November. At Westminster, in the County of Cumberland, on the third Tuesday of March. At Tinmouth, in the County of Bennington, on the second Tuesday of June; and at Thetford, in the County of Cumberland, on the second Tuesday of September.

An Act in Addition to an Act, entitled, An Act for the regulating and Stating Fees.

Jurymen for
Sup. or Coun.
Courts, 30s.
for Justices
Court, 20s.
Attorneys
Fees, 6s.
County Sur-
veyors Fees
per Day 6s.
10s.
Fees & Fines
three folded.

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That each Jurymen attending at the Superior or County Court, shall have One Pound Ten Shillings for trying each Cause; and each Jurymen for attending a Justices Court, One Pound for trying each Case. Attorneys Fees for each Case in the Superior or County Court, Six Pounds. County Surveyors Fees per Day, Six Pounds Ten Shillings.

And be it further Enacted by the Authority aforesaid, That all Fees and Fines shall be three-folded as they stand in the Laws passed before this Session---except Jurymen's Fees, which is hereby repealed.

An Act in Addition to an Act, entitled, An Act for the ascertaining Town Brands, and providing and regulating branding and Branders of Horses.

Brands for
Tinmouth,
Reading and
Putney.

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That the several Towns hereto annexed, shall have a Town-Brand for Horses; which shall be the Letters or Figures following, viz. For Tinmouth, H
Reading, R
Putney, P

An Act dividing the second and fifth Regiments of Militia and forming and establishing a sixth Regiment.

WHEREAS it has been found inconvenient for the Inhabitants included within the Limits circumscribing the Bounds of the second and fifth Regiments to continue in two intire Regiments, and that it would be more convenient to form a sixth Regiment within the Limits of the same. Therefore,

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That all the Military Companies in the several Towns and Gores included in the Limits hereafter described, viz. beginning at the north-west Corner of the Township of Shaftsbury, then east on the north Lines of Shaftsbury and Glaftsbury; to the county Line; then north in the county Line to the north-east Corner of Harwich; then

ACTS AND LAWS.

A Law Revived.

then west on the north Lines of Harwich, Dunbey and Pollet, to the north-west Corner of said Pollet; then southerly in the west Lines of Pollet, Ruport, Sandgate and Arlington, to the Bounds begun at, be, and are hereby made and declared to be one intire and distinct Regiment; and shall be distinguished and called by the name of the Sixth Regiment.

An Act to Revive the Laws passed by the Legislature of this State.

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That each and every Act and Law of this State, be, and remain in full Force and Virtue until the rising of the Assembly, in March next.

ACTS AND LAWS,

Passed by the General Assembly of the Representatives of the Freemen of the State of Vermont, at their Session at Westminster, March 8th, A. D. 1780.

An Act in addition to an Act, entitled, An Act for forming and regulating the Militia, and for encouragement of Military Skill, for the better Defence of this State.

WH E R E A S no Penalty is annexed, in the above Act, on the non commissioned Officers of the several Companies of Militia, in case they, or any of them should refuse, or neglect to warn any such Military Company to attend on musters or other Military purposes, when directed by his, or their superior Officer. And whereas no Penalty has been affixed on any such non-commissioned Officer, for neglecting or refusing to attend such muster, or meeting for such other Military purpose or purposes, when duly warned therefor, by the direction or directions of such superior Officer or Officers, Therefore

Preamble

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That whenever any non-commissioned Officer, of any Military Company, within this State, shall refuse or neglect to warn any part of such Military Company, to attend any musters, or other meeting of such Company for Military purposes, when thereto required by Warrant, or otherwise from his superior Officer of such Company, and shall be thereof duly convicted, shall for neglecting to warn each such Person, required to warn as aforesaid, forfeit and pay the sum of Six Pounds. And in case any such non-commissioned Officer, shall neglect, or refuse to attend any such muster, or other meeting of such Company

Penalty for neglect.

Clause of an Act repealed. Unappropriated Lands.

Company, for other Military purpose or purposes, having been duly notified thereof, by the direction of his superior Officer, shall forfeit and pay for each such neglect the sum of Six Pounds; which Fines are to be recovered by Warrant, from the Commanding Officer of such Company, and to be appropriated for the use of such Company.

Provido.

Provided always, That if any such non-commissioned Officer so neglecting, shall satisfy such Commanding Officer, that such neglect was unavoidable, that in such case, such Fines shall be relinquished.

An Act repealing the following Clause in a Paragraph of an Act, entitled, An Act making the Laws of this State temporary, viz. "or in any Action of Contract, where the Parties appear to have made a Bargain of Contract, by Bond, Note, Debts or Agreement in Writing, or otherwise."

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That the above recited Clause in said Paragraph be, and remain in full Force until the First Day of June next, and no longer.

An Act to prevent unlawful Settlement on unappropriated Lands.

Any Person who shall settle unappropriated Lands without a Title, shall forfeit all his Labour, &c.

Provido.

Except they settle the same through mistake, &c. And to prevent Fraud all Persons are cautioned not to Purchase of Petitioners until granted.

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That if any Person or Persons shall after the passing of this Act, presume to make Settlement, or Improve any unappropriated Lands within this State, without first obtaining a legal Title to the same, shall forfeit all such Settlement, Labour and Improvements to this State, and shall be obliged to give up Possession and Pay all Cost and Damages that shall accrue.

Provided always, That nothing in this Act be construed to debar any Person or Persons from recovering Pay for Labour, Settlement, &c. where it can be made to appear that such Settlement was made through mistake, or on a supposed legal Title.-----And to prevent Fraud in sales of Land, by Persons who pretend to a Title by Virtue of their Names being annexed to any Petition or Petitions on file, in the Secretary's Office, for granting. All Persons are hereby cautioned against such Purchases, as they are unjust in their nature, and will not be considered as legal.

An Act regulating the Tryal of Persons who on being arraigned for Treason, Felony and Crimes against the State, stand Mute or refuse to Plead.

Preamble.

W H E R E A S the Judgments directed by the Common Law, so far as they respect the manner of putting the Offender to Death, are marked by circumstances manifestly repugnant to that Spirit of Humanity which should ever distinguish a free, civilized and christian People, for remedy whereof,

B E

Towns impowered to tax themselves.

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That in all Cases of Treason, Felony, or Crimes against the State, where the Party indicted or complained of, shall on being arraigned, obstinately stand mute or refuse to plead and be tried in due course of law; such obstinately standing mute or refusal to plead and be tried as aforesaid, shall be adjudged to amount to, and be a proper traverse or denial of the Facts charged in the Indictment or Complaint, and the Trial shall thereupon proceed in like Manner, and the same Judgment shall be given against the said Party, if found guilty, as if he, she or they had, on being arraigned duly plead, and in proper form respectively put themselves on their tryal.

Any Person standing mute or refusing to plead shall be adjudged a denial of the facts charged against him. And judgment to be given if found guilty as if they had pled &c.

An Act for the Purpose of impowering the Inhabitants of the respective Towns in this State to tax themselves for certain Occasions.

WHEREAS it is found necessary for Towns as such, to raise Sums of Money for the carrying on the War, to purchase Ammunition for Town Stock, to support the Poor, and many other Purposes which they may find necessary not inconsistent with the Constitution of this State. Therefore,

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That the Inhabitants of the respective Towns in this State be, and they are hereby authorized to vote a Tax for the Purpose of carrying on the War---for procuring a Town Stock of Ammunition---for the Support of the Poor of such Town, or any other Purposes which they may find necessary, not inconsistent with the Constitution of this State, at their annual Town Meeting, or at any other Meeting warned for that Purpose; which Meeting shall be warned at least ten Days before the holding such Meeting by the Select-Men. And the respective Collectors of Town Rates are hereby authorized to collect such Taxes when directed thereto by Warrant from an Assistant or Justice of the Peace; and the Collectors of such Rates shall lodge the Money so collected in the Town-Treasury, to be drawn out and disposed of by the Select-Men for the Purpose or Purposes for which it was raised.

Provided always, That no Person be compelled by the major Vote of said Town to build or repair a Meeting-House, or support a Worship, or Minister of the Gospel contrary to the Dictates of his Conscience, provided said Person or Persons shall support some sort of religious Worship, as to them may seem most agreeable to the Word of God, any Thing in this Act to the contrary notwithstanding.

Preamble.

Towns authorized to raise a tax for the carrying on the war, &c. At their annual town meetings or any other meeting which shall be warned 10 days.

Collectors authorized to gather such tax, & when collected to lodge the same in the town treasury.

Proviso.

No Person to be compelled to support a Minister contrary to his conscience.

An Act to prevent transporting Provisions out of this State.

WHEREAS large Quantities of Provisions are continually exported out of this State, which, if not immediately prevented, will render it impracticable to furnish the Troops raised for the Defence of the northern Frontiers. Therefore,

Preamble.

An Act Repealed.

Wheat, Rye, &c. prohibited, except for the use of the Continent or the same be permitted by the Governor.

All Sheriffs, &c. required to seize all such provisions as may be attempted or purchased to be carried out of this State.

To make return of said seizure to the next Assize &c.

Such articles shall be forfeit, or pay a fine not exceeding 40/.

That if any Person shall transport any Provisions he shall forfeit the just value of the same.

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That any and all further Transportation of Wheat, Rye, Indian Corn, Flour or Meal of any Kind, as also Pork, Beef or any other Provisions whatever, that may be useful for supplying the Troops raised by this State, be, and is hereby strictly prohibited and forbid to be transported out of this State, except for the Use of the Continent, or that the same be permitted by the Governor with the Advice of three or more of his Council. And all Sheriffs, Grand Jurors and Select-Men in their respective Towns, and all Persons whatever within this State, are hereby authorized and required to seize any and every of the above-mentioned Articles, which they have Reason to suspect any Person or Persons may be carrying out, or purchased to be carried out of this State, contrary to the true intent of this Act; and if need be to command Assistance, and make Returns in Writing of said Seizure, to the next Assize or Justice of the Peace, and unless said Person or Persons shall satisfy the Court before whom the Examination be had, that he or they were not conveying any of the afore mentioned Articles out of this State, said Articles shall be forfeit, or such Person or Persons fined not exceeding Forty Pounds, at the Discretion of the Court before whom the Trial shall be had; the one Half of the Forfeiture or Fine to the Use of this State, the other Half to the Person prosecuting to effect.

Be it further Enacted by the Authority aforesaid, That if any Person or Persons shall transport any of the above prohibited Articles out of this State, and be thereof convicted before any Court proper to try the same, he or they shall forfeit and pay unto the Treasurer of this State the Value of said Articles so transported, to be recovered by Bill, Complaint or Information. This Act to continue in Force until the fifteenth Day of August next, and no longer.

An Act repealing an Act entitled "An Act regulating the Choice of Field Officers," passed at Manchester, October 1779.

WHEREAS the Method provided in the above recited Act for choosing Field Officers proves very disadvantageous to the Community at large. Therefore,

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That the said Act entitled "An Act regulating the Choice of Field Officers" be and is hereby repealed.

An Act regulating the Choice of Field and Staff Officers:

BE it Enacted, and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same, That whenever by Death, Resignation, Disqualification or otherwise, any Regiment or Regiments shall be destitute of any Field or Staff Officer, or Officers, that it shall be the Duty of the Captain-General, or in his Absence of the Major-General, or in their Absence

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sence of the Brigadier-General, to issue his Orders to the several Captains or Officers commanding the several Companies of such Regiment to meet at such Time and Place as the Captain-General, or in his Absence the Major-General, or in their Absence the Brigadier General as aforesaid shall in such Orders direct; and that the several Companies of any such Regiment being convened, according to the Directions aforesaid, shall proceed by Vote to the Choice of some suitable Person or Persons to supply such Vacancy or Vacancies; which being done, the Commanding Officer of such Regiment shall return the Name or Names of such Person or Persons to the Governor, in order to his or their being commissioned.

An Act to revive the Laws passed by the Legislature of this State.

BE it Enacted, and it is hereby Enacted by the Representatives of the Free-men of the State of Vermont in General Assembly met, and by the Authority of the same, That each and every Act and Law of this State, (except those repealed by special Act of Assembly) be and remain in full Force and Virtue until the Rising of the Assembly in October next.

HARTFORD.

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M. DCC. LXXX.